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THE PRESIDENCY OF THE FRENCH REPUBLIC

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THE election in January of this year * of the presidents of the two greatest republics of the world, France and the United States, is a coincidence not without popular interest and one which naturally suggests to many minds a comparison of the two offices from the standpoint of the actual power and influence wielded by their incumbents.

The Presidency of the United States is now generally recognized to be the greatest political office in the world (Mr. Bryce excepts only the Papacy, which, however, is not a political office). President-elect Woodrow Wilson has called attention, with singular clearness of understanding, to the power of the office as it is and as it may become in the hands of a strong man unafraid of responsibility. He conceives the President of the United States to be not merely the legal executive of the country, but the leader of his political party, responsible for the fulfilment of the party pledges, and the guide of the nation in legislation, with a very positive share in the determination and formulation of legislative programmes.

When we turn to the Presidency of the French Republic we find an entirely different type of organization, a different traditional attitude concerning the rôle of the executive, and, consequently, an office which is chiefly decorative in character and without influence—a mere “symbol to please the people,” as a distinguished French publicist has characterized it. For a republic it is a singular creation,

* In the United States, January 13th, by the Electoral Colleges assembled in the several States; in France by the National Assembly at Versailles, January 17th.

representing, as it does, an attempt to combine, rather incongruously, the elective tenure with the position of a constitutional king—that is, a position of irresponsibility, impartiality, and indifference.

Sir Henry Maine, comparing the position of the French President with that of the former kings of France and with that of the President of the United States, once remarked: “There is no living functionary who occupies a more pitiable position than a French President. The old kings of France reigned and governed. The constitutional king, according to M. Thiers, reigns, but does not govern. The President of the United States governs, but he does not reign. It has been reserved for the President of the French neither to reign nor yet to govern.”

Viewed in its ceremonial aspects, the office is certainly more imposing than that of the United States, for it has many characteristics which are associated with the royal office in monarchical countries. The honors, military and civil, due the Chief Magistrate are carefully regulated by decree of the Government; *de luxe* trains are placed at his disposal when he travels; when he crosses the boundary of a department he must be met at the frontier by the prefect; when he arrives at his destination the mayor and council of the city are required to greet him; one hundred artillery salutes must be fired in his honor; and the decree contains many detailed regulations regarding escorts of honor, what the bands shall play, what military formations shall be executed in his presence, etc. He is housed in the Palace of the Elysée, and has a summer château at Rambouillet, he is provided with a loge at the opera, he is expressly charged by the Constitution with presiding at national solemnities, he attends inaugurations of many kinds, opens expositions, confers decorations, awards the Grand Prix, and attends the races and the annual military review at Longchamp on July 14th. To enable him to live in a manner befitting a Chief Magistrate whose ceremonial functions are more or less regal in character, he is paid a salary of one hundred and twenty thousand dollars a year and is allowed an equal sum for the maintenance of his household and for traveling expenses.

The impression which one receives from the newspaper accounts of the stately dinners and receptions at the Elysée, of the honors that are accorded the President

when he travels, and the respect shown him by the crowned heads of neighboring States when he journeys abroad is that he is a very exalted functionary, and such he is in outward appearance. If we turn to the text of the Constitution and examine the powers which it confers upon him, we also gain the impression that as regards actual governmental authority the President is one of the most powerful executives in any constitutional State. First of all, it vests him in full measure with the usual powers attributed to the chief executives of republican States. Thus he is given the power to appoint, practically without limitation, all civil and military officers and, subject to a few restrictions, the power to remove them—a power the extent of which can only be fully appreciated when we remember that France is a highly centralized State in which almost no public officers, central or local, are popularly elected. He is authorized to convene the Parliament in extraordinary session; to compel it to reconsider measures which he disapproves (a sort of suspensive veto); to recommend measures for its consideration; to oversee the execution of the laws—a power which, according to French interpretation and practice, includes also not only the right to make the ordinances necessary to their execution, but to supplement and to supply many details, for the statutes in France and on the Continent generally rarely descend to details as they do in America; to dispose of the military and naval forces and, by implication, the right to wage defensive war; to receive diplomatic representatives and to negotiate and ratify (with certain exceptions) treaties with foreign powers; to constitute the Senate as a high court of justice for the trial of offenses against the safety of the State; and to grant pardons (though not amnesties) for any and all offenses against the laws and the ordinances.

In addition to this very generous bestowal of authority which in itself would seem to make the French President quite the equal of the President of the United States, the Constitution confers upon him a group of semi-regal powers such as commonly belong only to crowned heads of monarchial States. Thus he is given the power to convoke the two Houses of Parliament and to prorogue their sessions at will (though the power cannot be exercised more than twice during the year); to dissolve, with the consent of the Senate, the Chamber of Deputies; to initiate legislative

projects equally with the members of Parliament and to appoint *Commissaires* to appear in the two Houses and represent him in the discussions; to promulgate the laws; to create public offices (for example, ministerial departments); and to appropriate money from the public treasury during the parliamentary recess for the purpose of meeting new and unforeseen expenses unprovided for in the budget, or in case the legislative appropriations for services created by the budget are insufficient.

Taken in their totality, these two categories of functions give the President of France more the character of a constitutional king (minus, of course, the hereditary tenure) than that of an elective executive of a republican State. Indeed, the debates in the National Assembly (1873-1875) on the question of the organization of the executive power show unmistakably that this was the deliberate intention of the authors of the Constitution. A majority of the members of the National Assembly were avowed monarchists, but, being unable to agree among themselves upon the choice of a dynasty, they established the republic very largely upon a monarchical basis and organized the Presidency upon the model of a constitutional king, Louis Philippe being the type most prominently before their eyes.

The republican régime was regarded by the majority of the National Assembly as merely transitory, and they expected that as soon as the royalist factions could agree upon the choice of a king it would give way to the restored monarchy. Meantime the President upon whom the Assembly had conferred all the attributes of an uncrowned king was expected to keep alive monarchical traditions, and as soon as the time became ripe he would be an effective instrument in bringing about the transition from republic to monarchy. In keeping with this idea, the Assembly intrusted the executive power to McMahon, one of the marshals of France and a representative of the reactionary element, rather than to a political leader who believed in republican principles.

The republican members of the Assembly protested against the creation of an executive with such vast powers; he would, they said, be a more powerful magistrate than the President of the Republic of 1848 or the President of the United States; his authority, in fact, would be scarcely less than that of the Emperor under the régime of 1804. Gambetta, addressing the Right in the Assembly, expressed

the view of the republicans when he said: "We have consented to give you the strongest executive power ever constituted in an elective democratic country." It is clear, therefore, from the affirmations of the monarchists themselves, as well as from the protests of their adversaries, that the National Assembly intended to create and believed that it was creating an executive of real power co-ordinate with the legislative department—a President who was to be the representative of the national sovereignty, and not merely an agent of the Parliament under the absolute control of his ministers.

The fears of the republicans, however, were groundless and their protests unnecessary, for after conferring upon him a group of formidable powers the National Assembly proceeded to paralyze him by decreeing his irresponsibility and by requiring all his official acts to be countersigned by ministers who thereby become responsible to the Parliament for his acts.

It is now the unanimous opinion of the commentators on the French Constitution that the only official act of the President which does not require the signature of a minister is his letter of resignation. The purpose of putting the President under the guardianship of ministers was to prevent him from abusing his authority, from doing arbitrary or illegal acts—that is, from doing what he ought not to do; but the effect has been to prevent him from doing what he is authorized or required by the Constitution to do.

In establishing the irresponsibility of the President the National Assembly violated all republican traditions in France, for under the two earlier republics the principle of executive responsibility was affirmed, and most of the political writers from De Tocqueville to the present have affirmed that the principle of irresponsibility is inconsistent with the very idea of a republican régime.

Under the conditions of a parliamentary system it is impossible for the President to exercise the powers which the Constitution has conferred upon him; and, as a matter of fact, he no longer attempts to do so. No President since McMahon has ever made use of the power to send messages to the Parliament except to express thanks for his election or to announce his resignation. Any other communications would need to be countersigned by a minister, and therefore whatever the President might have to say to the Cham-

bers would be nothing more than a ministerial declaration. Likewise, the right of the President to demand of the Chambers a reconsideration of measures to which he objects has not been exercised a single time since 1875, and therefore may be regarded as a dead letter.

In the course of the debates on the new military service law of 1905 General Billot, who was strongly opposed to a reduction of the term of military service from three to two years, addressing the Senate, stated that even if the law passed both Chambers, there was still hope of defeating it because the President of the Republic had the power to compel a reconsideration of the law by the Chambers, and the General ventured to express the hope that the President would exercise this power. Thereupon the President of the Senate, M. Fallières, loudly applauded by the Left, interrupted the speaker and informed him that his remarks were out of order and could not be permitted. No member of the Senate, he said, could invoke the authority of the Chief of State against the will of the Chambers; he was entirely irresponsible, and his name could not be pronounced in the course of the debates.

When it was proposed in the National Assembly to give the French executive a veto power similar to that of the President of the United States the proposal was objected to on the ground that, whereas the American President needed it as an arm of defense against the encroachments of the legislative department, the French executive was so strongly armed that he would have no need of it, and to vest him with such a power would give him the preponderating influence in the Government.

One of the most important powers of the President of France—one which is not possessed by the President of any other republic—is the power to dissolve the Chamber of Deputies with the consent of the Senate. It is a power ordinarily belonging to monarchs, and it was strongly opposed in the National Assembly by both moderate and radical republicans as a dangerous weapon in the hands of the President. It was thought, however, to be a necessary part of the parliamentary system, since in case of conflicts between the legislative and the executive powers it could be employed for the purpose of appealing to the nation to decide who was right.

The only instance in which this power has ever been

exercised was at the time of the crisis known as the *Seize-Mai*, in 1877, when President McMahon compelled the resignation of a ministry which had the confidence of the Chamber of Deputies and followed it up by a dissolution of the Chamber. The elections which followed returned a republican majority which refused to give its confidence to the ministry of reactionaries which McMahon had constituted, and the republicans, under the lead of Gambetta, demanded that the President should submit or resign. He decided to submit; but a few months later, finding his position intolerable, he resigned; and the Chambers elected a republican who was willing to play an impersonal rôle and allow the Parliament to govern. The circumstances and manner under which the right of dissolution was employed in this instance brought it into great discredit. Legally exercised in form, it was not so in spirit, and was contrary to the principles of the parliamentary régime. Like the other powers of the President, it may now be regarded as a dead letter, and there is little likelihood that another attempt will ever be made to resurrect it.

The practically unlimited power of appointment which the Constitution gives the President has, like his other constitutional prerogatives, passed to the ministry, and so far as he is concerned it is a mere fiction. Nominations, as a matter of form, are laid before him for an approval which he cannot withhold. He may recommend certain candidates to the favorable consideration of the ministry, but he cannot himself choose even a sub-prefect or a justice of the peace. McMahon was often called upon to remove reactionaries whom he desired to retain and to consent to the appointment of republicans who were distasteful to him. Casimir-Perier sometimes read in the newspapers announcements of important appointments which he was supposed to have signed, but which in fact had never been brought to his attention. In regard to the choice of his ministers, or, rather, the chief minister, the President has a little more freedom, for in France the parliamentary system is not perfectly developed, political parties are not well organized or disciplined, and there is rarely a majority with its recognized chiefs whom the nation has in fact designated for its governors. Often in France, therefore, several men have equal claims to leadership; under such circumstances the President may exercise a certain liberty of choice, though

this independence has been abridged by the precedent set by Grévy of taking the advice of the presidents of the Chambers and even of the presidents of the various parliamentary groups. Moreover, it was settled at the time of the *Seize-Mai* crisis when McMahon vainly pleaded to be allowed to appoint the ministers of war, marine, and foreign affairs that the power of the President ends with the appointment of the ministerial chief to whom alone the right belongs to select his colleagues.

The method by which the President of the Republic is chosen is likewise partly responsible for the annihilation of his independence. The President of the Republic of 1848 was elected by the people, but the ease with which Napoleon III. employed the plebiscite to overthrow the Republic discredited the system of popular election; and aside from the small group of imperialists it had few advocates in the National Assembly of 1875. It was feared that the system of popular election would make the President too powerful a magistrate, enable him to dominate the legislature, and open the way through appeals to the people for *coups d'état* and dictatorships. Moreover, it was inconsistent with the parliamentary system, and also with the French theory of the arbitral and neutral character of the President. Finally, it would result in the choice of ambitious men of popular gifts who would not consent to play the negative rôle which parliamentary government assigns to the chief executive.

The actual procedure by which the French President is chosen is, when compared with the long and complicated process by which the President of the United States is nominated and elected, a very quiet and simple affair. A month before the expiration of the Presidential term the members of the two Chambers of Parliament are convoked in National Assembly at Versailles, away from the exciting and overawing influences of Paris, and, without nominating speeches or debates, the President is elected by secret ballot. The election is rarely preceded by any announcement of candidacies (the recent election was an exception in this respect), no electioneering, no campaign, and but comparatively little newspaper discussion or manifestation of popular interest. Since the first election of Grévy it has been the custom for the members of the different party groups in Parliament to assemble in their caucuses a few days be-

fore the election and to agree upon the candidates whom they expect to support. Then the groups constituting the republican majority meet in a general caucus and decide upon the candidate for whom they will all give their votes in the National Assembly. The system is not very different from the method by which Presidential candidates in the United States were nominated from 1801 to 1824. In recent years there has been an increasing dissatisfaction with the existing method of electing the French President, which, coupled with the principle of irresponsibility, has reduced the Presidency to a mere dependency of Parliament, and numerous proposals have been made for an enlargement of the electoral body by joining to it other classes of electors; for example, delegates chosen by the councils-general of the departments, or delegates representing such bodies as the academies, universities, chambers of commerce, trade-unions, etc. Even proposals for popular elections have not been lacking, though they have not received serious consideration. The unfortunate experience with the system of popular election under the Republic of 1848 has created in France a distrust, not to say fear, of popularly elected Presidents—a fear from which they are but slowly recovering. Nevertheless, it must be remembered that universal suffrage was a new thing in France in 1848; the voters are more intelligent and independent to-day, and there is no reason to believe that they would abdicate their power into the hands of an Emperor with the same willingness which they showed in 1851.

The history of the French Presidency has not been favorable to the development of a strong executive power. Carnot and Faure died while in office, the former at the hands of an assassin. Four Presidents resigned before the expiration of their terms, Thiers and McMahon being virtually forced out of office by the hostile attitude of Parliament. Grévy's resignation was positively demanded by the Parliament when it was discovered that his son-in-law was using the Elysée as a center for carrying on a scandalous traffic in decorations. Casimir-Perier resigned in disgust after having occupied the office less than six months, giving as a reason his unwillingness to remain in a position in which he was little more than an automaton. Only Loubet and Fallières served out the full terms for which they were elected.

The Constitution establishes the principle of re-eligibility, and therefore a President may be re-elected indefinitely. This was a scheme of the monarchial majority in the National Assembly of 1875 to leave the door open for a life President who might use the office as a stepping-stone to the throne. As a matter of fact, only one President (Grévy) has ever been accorded the honor of a re-election, and he was forced to relinquish the office before his second term was well under way. No other Presidents have been candidates for re-election; in fact, all of them since Grévy have either announced in their messages of thanks at the beginning of their terms or made known their intentions in other ways of not seeking a re-election. Indeed, there has been no apparent desire among the Presidents themselves for more than one term. It may, therefore, be asserted that the single-term tradition has become a fixed part of the working Constitution.

A final source of weakness in the Presidential office lies in the character of the men who have been chosen to occupy it. Since Thiers, whose occupancy antedated the adoption of the Constitution, all the Presidents of France, with possibly one or two exceptions, have been men of very mediocre ability and for the most part without force or initiative. All had served a number of years in one or the other of the Chambers, all had held cabinet positions for brief periods (which does not necessarily mean much in France), and three of them—Casimir-Perier, Loubet, and Fallières—had risen to the position of ministerial chiefs. Grévy had served as president of the Chamber of Deputies, while both Loubet and Fallières were presidents of the Senate at the time of their election—a circumstance which it is feared by some may result in the creation of a precedent in favor of the presiding officers of the Upper Chamber.

Heretofore it has been a rule that the President must be a "safe" man—that is, one who is known for his lack of aggressiveness and his readiness to efface himself and leave to Parliament the government of the country. This explains why the really great republican leaders like Dufaure, Gambetta, Jules Ferry, Charles Dupuy, and Waldeck-Rousseau have been passed over for comparatively unknown men from whom the Parliament had nothing to fear.

The issue of McMahon's unfortunate struggle with the Chamber of Deputies, his complete subjection by Parlia-

ment, and his resignation as an escape from an intolerable situation left the Presidency greatly enfeebled in influence and in popular esteem. The Parliament was now determined that the President should play only an impersonal rôle, and it found in Jules Grévy a docile instrument of its will. He had begun his political career in 1848 by demanding the abolition of the Presidential office, and now when he had been called by a singular fortune to fill the office which he had opposed as a useless organ he proceeded to put it in harmony with his early views by effacing himself and resigning his functions to Parliament. He announced in his message of thanks to the Parliament for his election that he proposed to submit strictly to the great law of the parliamentary régime and that he would never oppose the national will as expressed by its constitutional organs. Essentially negative in character, he considered that the duty of the President was to give advice and not to act. The Presidency, he said, afforded an honorable retirement for weary veterans of long political struggles, whose counsels the country needed, and that his position was rather that of a retired Chief Magistrate than that of an active executive. Shutting himself up in his palace, from which he rarely emerged, unknown to and unseen by the people, and apparently indifferent to public affairs, Grévy's official life coincided entirely with his theory of the Presidential office; and when at the end of his nine years of inaction the Parliament demanded his resignation the tradition of Presidential effacement was complete and the constitutional principle was established that, although the term of the President is fixed at seven years, his tenure is practically dependent upon the will of Parliament.

Casimir-Perier was by temperament and habit a man of action, and to some extent he possessed masterful qualities. He belonged to a distinguished family and possessed a classical education. Like McMahon, he desired to have a personal policy and play an active rôle as President of the Republic, but he soon found that his position was one of impotence and without influence. His ministers often did not seek his advice nor even inform him of the decisions which they had taken in his name. In a few months his position became intolerable, and, refusing to be longer treated as a valet of the Parliament and ministers, he resigned an office to which it was impossible for a man of

his character to adapt himself. He would probably have made a good prime minister, but he was unfitted to play the inactive rôle of President of the Republic. He took his duties as President rather more seriously than other French Presidents have done, and he announced at the time of his election that it was not his intention to neglect the exercise of the powers that the Constitution had conferred upon him. Other Presidents have given similar assurances, but they have all been unable to make good their promises. In his letter of resignation Casimir-Perier declared that the President was deprived of all means of action and of control without which his moral influence was nothing, and that he was condemned to a position of impuissance. Years afterward, in 1905, he wrote a letter to the *Temps* in which he described the rôle of the President as it actually is under the régime of irresponsibility. The President, he said, can do nothing except through his ministers; he must attach his name to whatever the ministers lay before him, and hence the record of his official acts is nothing but an autograph collection. Among the powers which are conferred upon the President by the Constitution, he concluded, there is only one that he can exercise personally and with freedom from ministerial control—namely, the right to preside at national solemnities. Carnot and Faure were both popular Presidents, both traveled much, showed themselves to the people, took part in the national fêtes, delivered discourses, and represented the country in its relation with other powers in a dignified and creditable manner, but neither added anything to the power and influence of the office.

Essentially the same thing may be said of Loubet and Fallières. Both were descended from peasant stock, both had long and honorable though not brilliant parliamentary careers, and both rose to the Presidency of the Senate. They were both excellent types of the kind of men we have come to expect the Parliament to choose as Presidents. Both willingly effaced themselves and played an impersonal rôle. Loubet, in his message of thanks to the Parliament for his election, described the President as an "arbiter" who must listen to the advice and counsels of Parliament before taking any step involving the supreme interests of the nation; Fallières at his first cabinet meeting outlined the negative rôle which he played throughout his term: "I shall advise

you," he said, "and at times criticize, but there will be no Elysée policy." And there was not.

Such is the President of France to-day. "The less we say of him," says Professor Moreau, one of the most distinguished writers on French public law, "the better; he is a pompous, expensive, and perfectly useless functionary. The parliamentary system has literally deprived him of all authority and reduced him to the position of a mere signer of papers of the contents of which he is often ignorant." "He is," continues Professor Moreau, "a mere dummy, a *soliveau* dressed sometimes in a royal mantle, sometimes in a black suit; but always he is a nullity, almost ridiculous, incapable of action, without any will of his own, condemned to parade at public ceremonies and to exhibit himself from afar to the people." Other French writers have described him as a "useless machine which costs money but produces nothing," an "emaciated shadow of a *roi fainéant*," a "phantom," a "king without a crown," etc. His time is occupied chiefly in attending cabinet meetings at which he is largely a silent spectator, in approving acts which he cannot disapprove, in traveling about France and occasionally abroad, in giving receptions, dinners, and balls, in opening expositions of many kinds from dog shows to the annual *Salon*, and in giving "chases" several times a week in honor of prominent political men and distinguished visitors. J. J. Weiss, a well-known French writer, parodizing Thiers's definition of the rôle of a constitutional king, once remarked that "the fundamental principle of the Constitution is or ought to be that the President chases rabbits and does not govern," to which M. Leyret adds the opinion that a President who does not hunt rabbits would be disesteemed in France.

To many Frenchmen such an office is useless and without *raison d'être*. There may be some excuse, they say, for a hereditary figurehead, because royalty exerts a certain influence not without value upon the masses, and even upon the Government itself, but an elective figurehead commands no such respect. For a long time the abolition of the Presidency was regularly inscribed on the programmes of the Radical party, Clemenceau being one of its chief advocates, though of late the party seems to have abandoned its early hostility. Since 1902 it has been vigorously demanded by the Socialists. In the National Assembly of 1894, which

elected Casimir-Perier, a member demanded recognition to present a motion for the suppression of the Presidency, and he was loudly applauded by the extreme Left, but his proposal was declared out of order. In the same year Goblet, chief of the Radical party, proposed a constitutional amendment for this purpose.

Whatever may be the merits of the question, there is no doubt that the office could be abolished to-morrow without serious inconvenience if only some provision were made for the appointment of the ministers. This function might be intrusted to a special delegation chosen by Parliament, as has been proposed. The vast majority of Frenchmen, however, do not desire the abolition of the Presidency; they feel that there is a real place in the state organism for a chief executive even though the office is little more than a "magistracy of influence" and the occupant only a *surveillant générale*, as Prevost-Paradol once described the Presidential function. Many thinking Frenchmen are of the opinion that if stronger men were elected they would at least be able to exert an effective moral influence upon the government of the country and serve as a "guide to the nation"—one of the three rôles which Woodrow Wilson attributes to the President of the United States. While this is not unlikely, it is difficult to see how the President of France can ever exercise any real political authority until the present attitude of the Parliament toward the executive has been modified. It has refused to regard the President as a collaborator or to recognize the executive organ as a co-ordinate department. It has insisted upon controlling his acts; it has reduced him to submission whenever there has been a conflict between the two departments; and those who refused to submit have been forced to abandon the Presidential office. Moreover, the legislative department has not been content with keeping in its own hands the government of the country, but it has largely usurped the right of administration, interfering in the execution of the laws and dictating appointments to office, so that it may now be truthfully said that the Parliament of France legislates, governs, controls, and administers. Monsieur Faguet, of the French Academy, observes that never has a nation been more completely governed by its legislature than has France since 1871. And the legislature has shown no disposition to surrender one particle of the authority that it has

usurped; indeed, all the signs indicate that a further extension of its sphere of control may be expected.

In electing M. Poincaré President since the above was written, the National Assembly has broken the custom heretofore followed of choosing only respectable and obscure politicians. He is the strong man of France to-day and the only real statesman and leader to reach the Elysée since Thiers's retirement in 1873. He is a distinguished scholar, orator, and lawyer, and his conduct of the foreign policy of France during the past year has been characterized by a high order of statesmanship which has won for him wide popularity at home and general respect abroad. Unquestionably the feeling is spreading in France that the President should be allowed to exercise more real power in the government of the country, and, now that a man of action and leadership has been elected in whom France has entire confidence, the opinion is being expressed that he will not be content to be a mere master of ceremonies. Until, however, there has been a radical change in the existing attitude of Parliament toward the President it is difficult to see how even M. Poincaré, strong man as he is, can play anything more than the ceremonial rôle just described.

JAMES W. GARNER.